



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology A.O. #05-12

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-07-039 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☐ Original Notice  
☐ Supplemental Notice to WSR  
☐ Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject) Amend procedural provisions in Chapters 173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA)

**Hearing location(s):** See Attachment**Submit written comments to:**

Name: Tom Clingan  
Address: SMA Rule, SEA Program, Dept. of Ecology,  
PO BOX 476000, Olympia WA 98504-7600  
e-mail [tcli461@ecy.wa.gov](mailto:tcli461@ecy.wa.gov)  
fax (360)407-6902 by 5:00 p.m. October 4, 2006

Date: Time:

**Assistance for persons with disabilities:** Contact**Date of intended adoption:** November 1, 2006

(Note: This is NOT the effective date)

SEA Program by September 8, 2006

TTY (877) 833-6341 or (360) 407-6600

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Topics proposed for amendment include, but are not limited to: definitions; rules describing "jurisdiction" (coverage) of the Shoreline Management Act; permit thresholds and procedures; and other amendments to ensure conformity with existing statutes, NOAA guidance, and hearing board and court decisions. Additional revisions are proposed to improve clarity of administration.

The existing rules delineating "Shorelines of the State" have not been systematically updated since adoption in the 1970's. Beginning in 2006, Ecology will be reviewing and approving updated Shoreline Master Programs, which will include updated maps and descriptions of Shorelines of the State. Revision of the rules is necessary to preclude any apparent conflict between the updated maps contained in new Ecology-approved Shoreline Master Programs and the outdated rule lists of Shoreline water bodies. In addition, state and federal statutes have been amended and Ecology is amending the rules listed above to ensure conformity with these changes. Outcome of Hearing Board and court cases on point with the existing rules need to be incorporated to ensure conformity with the case decisions. Additional revisions are proposed to improve clarity of administration.

**Reasons supporting proposal:** Clarify process for updating Shorelines of the State to preclude conflict between updated Shoreline Master Programs and the existing lists by county in the Ecology rules; update rules to reflect changes in statute, case law and Federal guidance; improve clarity.

**Statutory authority for adoption:** RCW 90.58.030(3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K 080, 70.105D, 71.09.250, 71.09.342, 77.55.181, 80.50, 89.08.460

**Statute being implemented:** Chapter 90.58 RCW, Shoreline Management Act of 1971

**Is rule necessary because of a:**

Federal Law?

Federal Court Decision?

State Court Decision?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, CITATION:

105 Wn App 278;

WA Court of Appeals 28073-6-II;

Thurston County case 95-2-01041-2

**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUL 28 2006

TIME

WSR

11/12

06-16-059

AM

PM

DATE

7/28/06

NAME (type or print)

Polly Zehm

SIGNATURE

*Polly Zehm*

TITLE

Deputy Director, Dept. of Ecology

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tom Clingman	Dept. of Ecology Headquarters	(360) 407-7448
Implementation .. Peter Skowlund	Dept. of Ecology Headquarters	(360) 407-6522
Enforcement..... Peter Skowlund	Dept. of Ecology Headquarters	(360) 407-6522

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Tryg Hoff

Address: Department of Ecology

P O Box 47600

Olympia, WA 98504-7600

phone (360) 407-6865

fax (360) 407-6989

e-mail [thof461@ecy.wa.gov](mailto:thof461@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Tryg Hoff

Address: Department of Ecology

P O BOX 47600

Olympia, WA 98504-7600

phone (360) 407-6865

fax (360) 407-6989

e-mail [thof461@ecy.wa.gov](mailto:thof461@ecy.wa.gov)

☐ No: Please explain:

**HEARING INFORMATION:**

**September 21, 2006 @ 6:00 p.m.**

Renton Technical College  
Building H, Rooms 102 & 103  
3000 NE Fourth St  
Renton WA 98056-4195

**September 25, 2006 @ 6:00 p.m.**

Lower Columbia College  
Student Center Conference Room A & B  
1600 Maple St  
Longview WA 98632

**September 26, 2006 @ 6:00 p.m.**

Veterans Hall, Wenatchee Community Center  
504 S Chelan Ave  
Wenatchee WA 98801-2914

**September 27, 2006 @ 6:00 p.m.**

Spokane Falls Community College  
Student Union Bldg. Lounges A & B  
3410 W Fort George Wright Dr  
Spokane WA 99224-5204